

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Alan Doane, on February 8, 2017 at 8:00 AM, in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Alan Doane, Chair (R)
Rep. Seth Berglee, Vice Chair (R)
Rep. Virginia Court, Vice Chair (D)
Rep. Laurie Bishop (D)
Rep. Bob Brown (R)
Rep. Jennifer Eck (D)
Rep. Ellie Hill Smith (D)
Rep. Kathy Kelker (D)
Rep. Theresa Manzella (R)
Rep. Nate McConnell (D)
Rep. Shane A. Morigeau (D)
Rep. Dale Mortensen (R)
Rep. Zac Perry (D)
Rep. Matt Regier (R)
Rep. Lola Sheldon-Galloway (R)
Rep. Barry Usher (R)
Rep. Kirk Wagoner (R)

Members Excused:

Rep. Bill Harris (R)
Rep. Casey Knudsen (R)

Members Absent: None

Staff Present: Sara Fleming, Committee Secretary
Helen Thigpen, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 378, 2/6/2017; HB 379, 2/6/2017
Executive Action: HB 62, HB 77, HB 280, HB 302, HB 306, HB 342

HEARING ON HB 378

Opening Statement by Sponsor:

00:00:05 Rep. Kimberly Dudik (D), HD 94, opened the hearing on HB 378, Generally revise criminal law.

00:03:39 Rep. C. Knudsen joined the meeting

Proponents' Testimony:

00:05:57 Dana Toole, Department of Justice (DOJ)

00:06:24 Matt Brower, Montana Catholic Conference, Diocese of Helena, Diocese of Bozeman

00:07:52 Laura Smith, Department of Health and Human Services (DPHHS)

Opponents' Testimony: None

Informational Testimony:

00:08:34 SK Rossi, American Civil Liberties Union (ACLU)

Questions from Committee Members and Responses:

00:09:42 Rep. McConnell

00:10:00 SK Rossi, ACLU

00:10:25 Rep. McConnell

00:10:42 Rep. Dudik

00:11:24 Vice Chair Berglee

00:11:45 Rep. Dudik

00:12:15 Rep. Sheldon-Galloway

00:12:43 Rep. Dudik

00:13:45 Rep. Eck

00:14:21 Rep. Dudik

00:14:57 Rep. Eck

00:16:02 Dana Toole, DOJ

00:18:30 Rep. Hill Smith

00:19:26 SK Rossi, ACLU

00:20:01 Rep. Hill Smith

00:20:38 Rep. Dudik

Closing by Sponsor:

00:21:30 Rep. Dudik

HEARING ON HB 379

Opening Statement by Sponsor:

00:22:26 Rep. Kimberly Dudik (D), HD 94, opened the hearing on HB 379, Revise laws regarding human trafficking and online advertising.

Proponents' Testimony:

00:31:27 Matt Brower, Montana Catholic Conference, Diocese of Helena, Diocese of Bozeman, Montana Association of Christians

00:32:46 Laura Smith, Department of Health and Human Services (DPHHS)

Opponents' Testimony:

00:33:54 SK Rossi, American Civil Liberties Union (ACLU)

00:35:47 Mark Baker, AT&T, Charter Communications

[EXHIBIT\(juh28a01\)](#)**Informational Testimony:** None**Questions from Committee Members and Responses:**

00:38:13 Rep. Kelker

00:38:51 Rep. Dudik

00:41:53 Rep. Wagoner

00:42:32 Rep. Dudik

00:44:49 Rep. C. Knudsen

00:45:53 Rep. Dudik

00:46:36 Rep. Usher

00:48:16 Rep. Dudik

00:50:02 Rep. Usher

00:50:51 Dana Toole, Department of Justice (DOJ)

00:51:07 Rep. Eck

00:51:44 Rep. Dudik

Closing by Sponsor:

00:53:43 Rep. Dudik

00:55:56 Recess

01:29:13 Reconvene

EXECUTIVE ACTION ON HB 62**Discussion:**

01:30:13 Helen Thigpen, LSD

01:30:35 **Motion:** Rep. Berglee moved that **HB 62 DO PASS AS PREVIOUSLY AMENDED.****Discussion:**

01:30:54 Chair Doane

01:31:01 **Vote:** Motion carried unanimously by voice vote. Rep. Harris and Rep. Hill Smith voted by proxy.**EXECUTIVE ACTION ON HB 77****Discussion:**

01:31:45 Helen Thigpen, LSD

01:32:18 **Motion/Vote:** Rep. Berglee moved that **HB 77 DO PASS AS PREVIOUSLY AMENDED.** Motion carried unanimously by voice vote. Rep. Harris and Rep. Hill Smith voted by proxy.

EXECUTIVE ACTION ON HB 342

Discussion:

01:32:51 Helen Thigpen, LSD

01:33:19 **Motion:** Rep. Berglee moved that **HB 342 DO PASS.**

Discussion:

01:33:25 Rep. Kelker
01:34:14 Chair Doane
01:34:19 Rep. B. Brown
01:34:46 Rep. Manzella
01:36:17 Vice Chair Court
01:38:19 Vice Chair Berglee
01:39:19 Chair Doane

01:39:37 **Vote:** Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Harris and Rep. Hill Smith voted by proxy.

EXECUTIVE ACTION ON HB 306

Discussion:

01:41:06 Helen Thigpen, LSD

01:41:17 **Motion:** Rep. Berglee moved that **HB 306 DO PASS.**

Discussion:

01:41:25 Rep. Kelker

01:42:22 **Vote:** Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Harris and Rep. Hill Smith voted by proxy.

EXECUTIVE ACTION ON HB 280

Discussion:

01:43:49 Helen Thigpen, LSD

01:44:21 **Motion/Vote:** Rep. Berglee moved that **HB 280 DO PASS AS PREVIOUSLY AMENDED.** Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Harris and Rep. Hill Smith voted by proxy.

EXECUTIVE ACTION ON HB 302

01:45:59 **Motion/Vote:** Rep. Berglee moved to **RECONSIDER THE ACTION** on **HB 302**. Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Harris and Rep. Hill Smith voted by proxy.

01:47:32 **Motion:** Rep. Berglee moved that **HB 302 DO PASS**.

Discussion:

01:47:50 Rep. Wagoner

01:48:26 **Vote:** Motion carried unanimously by roll call vote. Rep. Harris and Rep. Hill Smith voted by proxy.

ADJOURNMENT

Adjournment: 01:50:22

Sara Fleming, Secretary

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Additional Documents:

EXHIBIT([juh28aad.pdf](#))